



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 12/03/2021

WEB COPY

PRESENT

The Hon`ble **Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD) . No.3791 of 2021

P.Velmurugan

.. Petitioner/Accused Rank Not Known

Vs.,

The State of Tamil Nadu
Represented through The Inspector of Police,
CSCID Police Station,
Tirunelveli District.
Crime No. 17 of 2021.

.. Respondent/Complainant

For Petitioner : Mr.K.Navaneetharaja
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

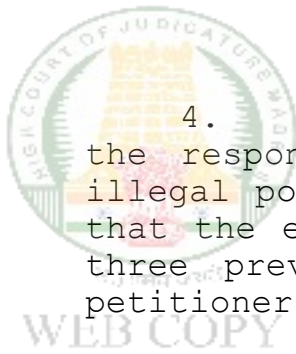
For Anticipatory Bail in Crime No.17 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused rank not known, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 6(4) of the Tamil Nadu Scheduled Commodities (RCDS) Order 1982 and 7(1)(a)(ii) of Essential Commodities Act, 1982, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner was found in illegal possession of 1750 kgs of PDS rice.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the entire contraband was seized by



4. The learned Government Advocate (Crl. Side) appearing for the respondent police would submit that petitioner was found in illegal possession of 2800 kgs of PDS rice. He would also submit that the entire contraband was seized by the respondent police and three previous cases similar in nature are pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the entire contraband was seized by the respondent police, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tirunelveli on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

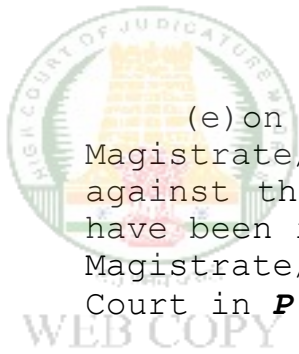
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall contribute 10 bags of branded ponni rice (Each containing 50kgs) to the Akash Age Care Home, 2/428, Sasthri Nagar, Kadachanenthal to Othakadai Road, Madurai, 10 bags of branded ponni rice (Each containing 50kgs) to the Aravanaippu Muthiyor Illam, Valluvar Colony, Thapalthanthi Nagar, Madurai, 10 bags of branded ponni rice (Each containing 50kgs) to the Aravind Old Aged Home, No.1/530, PNT Nagar Road, 2nd Cross Street, Kulamangalam, Madurai-17 and 10 bags of branded ponni rice (Each containing 50kgs) to the Anbagam Muthiyor Illam, Near Madurai High Court, Madurai, without prejudice to his defence before the trial Court and on such contribution being made, the learned Magistrate shall accept the sureties furnished by the petitioner.

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;



(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
TIRUNELVELI.
2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
CSCID POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

1. THE OFFICER INCHARGE,
AKASH AGE CARE HOME,
2/428, SASTHRI NAGAR,
KADACHANENTHAL TO OTHAKADAI ROAD, MADURAI.
2. THE OFFICER INCHARGE,
THE ARAVANAIPPU MUTHIYOR ILLAM,
VALLUVAR COLONY, THAPALTHANTHI NAGAR,
MADURAI.



3.THE OFFICER INCHARGE,
ARAVIND OLD AGED HOME,
NO..1/530, PNT NAGAR ROAD,
2ND CROSS STREET, KULAMANGALAM, MADURAI-17.

WEB COPY

4.THE OFFICER INCHARGE,
ANBAGAM MUTHIYOR ILLAM,
NEAR MADURAI HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3791 of 2021
Date :12/03/2021

RMK
AE/JC/ (01/04/2021) 4P / 9C